IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 12137 of 2002

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Between:

M/s. Mona Agencies, IOC Wholesale Kerosene Oil Dealers

Kamanagaruvu, Amalapuram (Mandal),

East Godavari District.

Rep by its Licencee Chintapalli Venkataratnam.

..... PETITIONER

AND

-

The Joint Collector,

East Godavari District at Kakinada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, or any other appropriate writ, declaring the proceedings of the respondent herein bearing No.Ref.V5/CS/369/2002, dated 29-06-2002 as illegal, arbitrary and without jurisdiction and consequently direct the respondents to drop all further proceedings against the petitioner forthwith.

Counsel for the Petitioner: MR.B.DEVANAND

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following :

ORAL ORDER:

Heard learned counsel for the petitioner and also the learned Government Pleader.

The petitioner herein, who is a Kerosene Oil dealer filed this writ petition inter alia seeking a Writ of Mandamus declaring the impugned order dated 29-6-2002 of the respondent herein in suspending the Kerosene Wholesale Dealership licence granted under A.P.P.S. (L&RS) Order, 1980 as illegal and arbitrary.

The main grievance of the petitioner is that the respondent by order dated 296-2002 suspended his Kerosene Wholesale Dealership licence for a period of one month i.e., from 28-6-2002 to 27-7-2002 under Clause-28 (1) of A..P.P.S. (L&RS) Order, 1980. Though the licence has been suspended on certain allegations, the same is only for a period of one month and also the period has already been elapsed.

This court granted interim suspension of the order of the respondent in W.P.M.P.No.14990 of 2002, dated 5-7-2002 and the same is still in force and the period of one month for which suspension was ordered is also expired. Having regard to the same, it is not necessary to go into the merits of the case.

The Writ Petition is accordingly allowed. It shall however, be open for the respondent herein to conduct enquiry and pass final orders, after giving notice and

opportunity to the petitioner. No costs.

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B. Prakash Rao, J.

26th July, 2004

js.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the twenty sixth day of July, Two Thousand and Four.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

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1. The Joint Collector, East Godavari District at Kakinada.
2. Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT)
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